

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by: Developer CHRISTIAN HAUATA MARSTON

Address P. O. Box 829, Hanalei, Hawaii 96714

Project Name(*): NANEA ESTATES

Address Lot 1, F.P. 1646, Kilauea Agricultural Condominium, Parcels 6-A and 6-B,

East Waikalua, Hanalei, Kauai

Registration No. 2702 (conversion)

Effective date: April 15, 1998

Expiration date: May 15, 1999

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other governmental agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

☐ **PRELIMINARY:** The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.
(yellow)

☐ **FINAL:** The developer has legally created a condominium and has filed complete information with the Commission.
(white)
☐ No prior reports have been issued.
☐ This report supersedes all prior public reports.
☐ This report must be read together with _____

☒ **SUPPLEMENTARY:** This report updates information contained in the:
(pink)
☐ Preliminary Public Report dated: _____
☒ Final Public Report dated: September 8, 1993
☐ Supplementary Public Report dated: _____
And
☐ Supersedes all prior public reports
☒ Must be read together with the Final Public Report
☐ This report reactivates the _____
public report(s) which expire on _____

(*) Exactly as named in the Declaration

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report

☐ Not Required - disclosure covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

1. The Declaration of Condominium Property Regime and the Condominium Map for the Project are amended by a First Amendment of Declaration of Condominium Property Regime dated February 25, 1998 and recorded as Document No. 98-032313. The amendments were as follows:

(a). The limited common element land area of Unit 1 was decreased from 2.656 acres to 1.656 acre.

(b). The limited common element land area of Unit 3 was increased from 5.613 acres to 6.613 acres.

2. The foregoing changes affect and/or revised the following pages of the Final Public Report: 3, Exhibit "A", Exhibit "C", and Exhibit "E".

II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

- A. Declaration of Condominium Property Regime contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

☐ Proposed
☒ Recorded - Bureau of Conveyances: Document No. 92-089618
Book _____ Page _____
☐ Filed - Land Court: Document No. _____

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

First Amendment of Declaration of Condominium Property Regime dated February 23, 1998, recorded in said Bureau, as Document No. 98-032313.

- B. Condominium Map (File Plan) shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

☐ Proposed
☒ Recorded - Bureau of Conveyances, Condo Map No. 1674
☐ Filed - Land Court Condo Map No. _____

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

First Amendment of Declaration of Condominium Property Regime dated February 23, 1998, recorded in said Bureau, as Document No. 98-032313.

- C. Bylaws of the Association of Apartment Owners govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other manners which affect how the condominium project will be governed.

The Bylaws for this condominium re:

☐ Proposed
☐ Recorded - Bureau of Conveyances: Document No. _____
Book _____ Page _____
☐ Filed - Land Court: Document No. _____

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Report issued by the developer which has been given an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime, as amended.
 - C) Bylaws of the Association of Apartment Owners, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other Declaration of Protective Covenants, Conditions and Restrictions
for Kilauea Farms

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashier's Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P. O. Box 541, Honolulu, Hawaii 96809, at a nominal cost.

This Public Report is part of Registration No. 2702 filed with the Real Estate Commission on August 11, 1992.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock ☐ WHITE paper stock ☒ PINK paper stock

- D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

CHRISTIAN HAUATA MARSTON

Name of Developer


CHRISTIAN HAUATA MARSTON
Developer

2/23/98.
Date

Distribution:

Department of Finance, County of Kauai
Planning Department, County of Kauai

EXHIBIT "A"

Condominium Map and Limited Common Element Locations

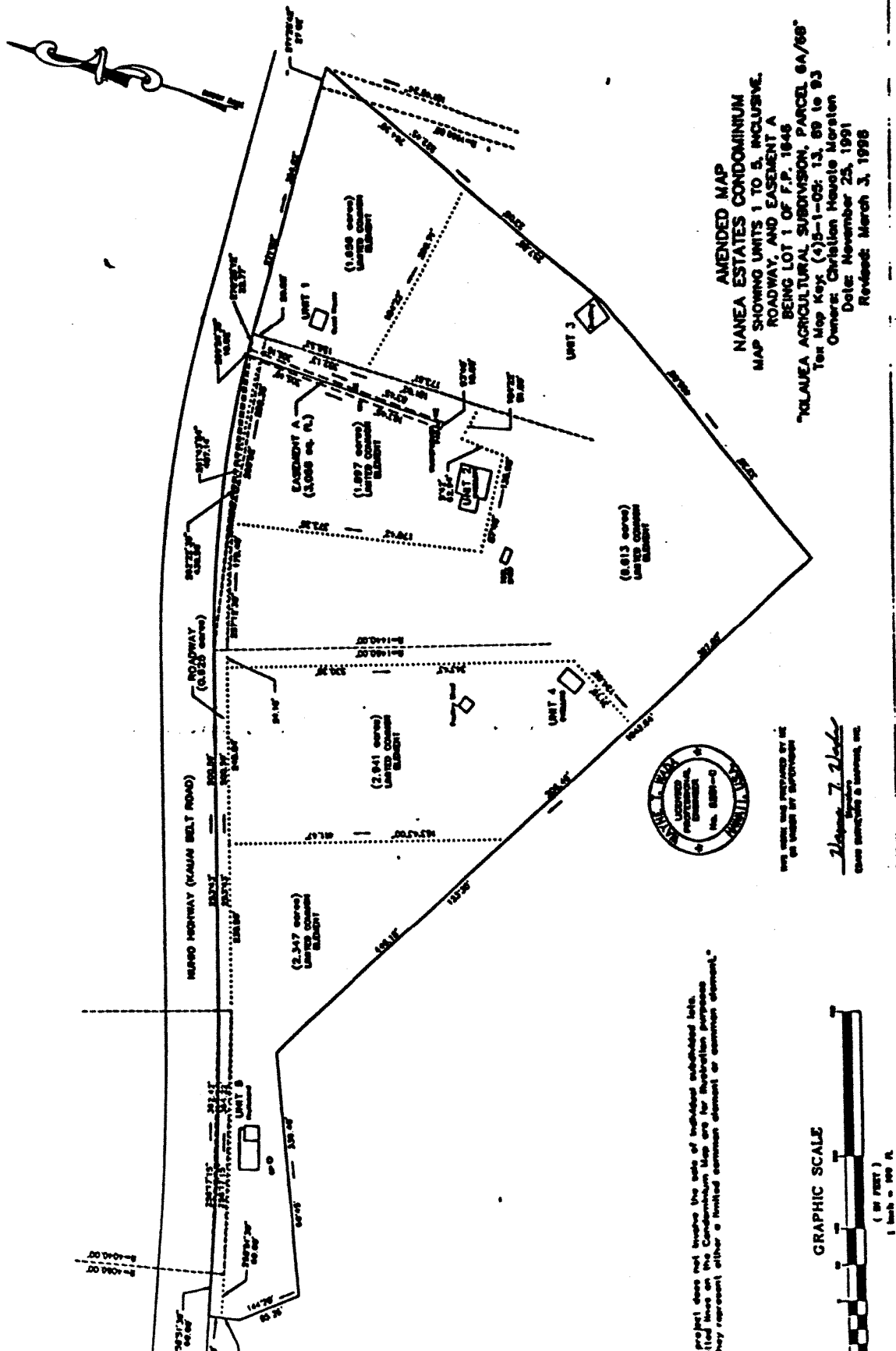


EXHIBIT "C"

Schedule of Apartments and Common Interests

<u>Qty.</u>	<u>Apt. No.</u>	<u>Area of Limited Common Element (Acres)</u>	<u>No. of BR/BATH</u>	<u>Appx Net Living Area (Sq. Ft)</u>	<u>Appx Green House/ Storage Shed/ Lanai Area (Sq. Ft.)</u>	<u>% Common Int.</u>
1	1	1.656	1/1	470	0	20
1	2	1.897	2/3	728	1209 (Lanai)	20
1	3	6.613	1/1	567	480 (Storage)	20
1	4	2.941	3/1 0/0	860	400 (Lanai) 235 (Poultry Shed)	20 20
1	5	2.347	0/1 0/0	(Fruit Stand) 845	474 (Lanai) 440 (Green House)	20

The common interest appurtenant to each unit shall be permanent. Subject to the zoning requirements and amendments of the Condominium Map and the Declaration of Condominium property Regime, each unit owner may use his unit, alter or add to it in any manner he deems desirable, so long as it is permitted by law and the Declaration of Protective Covenants and Building Rules. If adjoining unit owners desire to alter and/or transfer portions of their respective units, they can do so by the filing of an amendment to the Condominium Map and the Declaration of Condominium Property Regime together with their respective signatures. See Exhibit I of the Final Public Report for cautionary comments from the County of Kauai Planning Department.

EXHIBIT "E"

Common Elements of the Project

The common elements of the project are:

- (a) Land in fee simple;
- (b) All future ducts, electrical equipment, wiring and other central and appurtenant installations for common services, if any, including power, light, sewage, irrigation and telephone;
- (c) Any and all other elements and facilities in common use or necessary to the existence, upkeep and safety of the Project.

Limited Common Elements of the Project

Certain parts of the common elements, herein referred to as the "limited common elements" are hereby designated and set aside for the exclusive use of one or more units, and such unit(s) shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved as follows:

- (a) That certain land area upon and around which Units 1 and 2 are located, shown and designated on the Condominium Map and the table below, are deemed a limited common element appurtenant to and for the exclusive use of each respective unit.

<u>Unit Number</u>	<u>Area of Limited Common Element</u>
1	1.656 acres
2	1.897 acres
3	6.613 acres
4	2.941 acres
5	2.347 acres

NOTE: Land areas herein described are
not legally subdivided lots.

All costs of every kind pertaining to the aforesaid limited common elements, including, but not limited to, costs of landscaping, maintenance, repair, replacement and improvement, shall be borne solely by the owner of the unit to which said limited common elements are appurtenant.